

NINTH MEETING OF THE SRM TWG

(16-20 SEPTEMBER 2024)

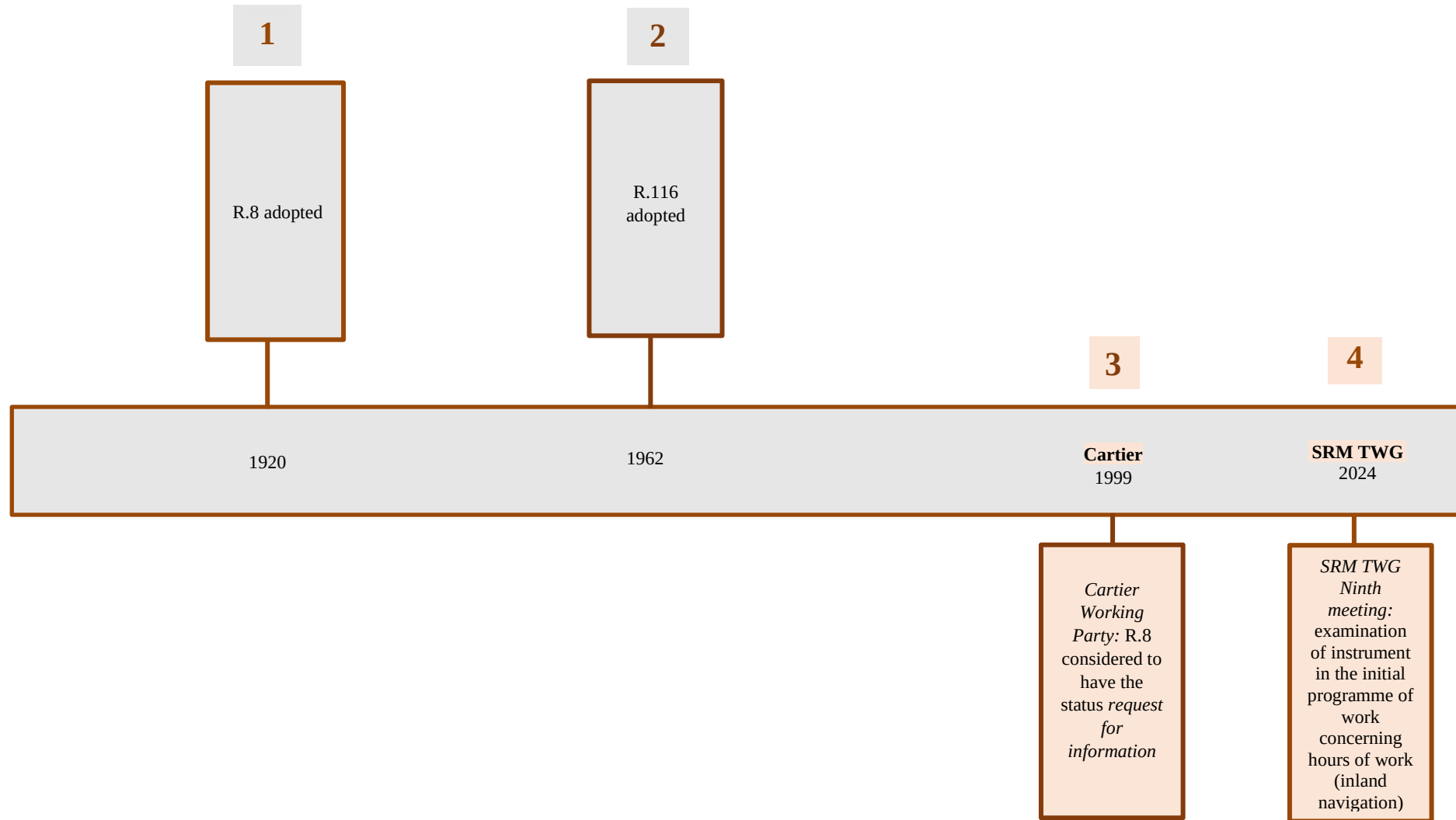
EXAMINATION OF INSTRUMENTS CONCERNING HOURS OF WORK (INLAND NAVIGATION)

Technical Note 4.3: Instruments concerning hours of work (inland navigation)

- There is one instrument in the initial programme of work concerning hours of work (inland navigation): the Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8).
- *Current status of instrument:* This instrument was classified by the Cartier Working Party as having the status of 'request for information'.
- *Action to be considered:* Classification of Recommendation No. 8; identification of any gaps in coverage; and associated follow-up action

9 August 2024

ILO regulation of hours of work (inland navigation) Chronology of developments



ILO regulatory approach to hours of work (inland navigation)

In 1919, the International Labour Conference excluded employment at sea and on inland waterways from the scope of the Hours of Work (Industry) Convention, 1919 (No. 1), deciding that provisions relative to transport by sea and on inland waterways should be determined by a special conference dealing with employment at sea and on inland waterways.¹ The **Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)** was adopted the following year. It is the only ILO instrument specifically concerning inland navigation.

In the following decades, Convention No. 1 on hours of work was complemented by the adoption of the Weekly Rest (Industry) Convention, 1921 (No. 14), the Forty-Hour Week Convention, 1935 (No. 47)², the Reduction of Hours of Work Recommendation, 1962 (No. 116) and the Holidays with Pay Convention (Revised), 1970 (No. 132), all of which cover inland navigation.

ILO developments since adoption of the instrument

1. 1920: ILC adopted Recommendation No. 8

Recommendation No. 8 provides that Member States should enact legislation limiting the hours of work of persons employed in inland navigation; and enter into agreements in this regard with other Member States in relation to waterways which are used in common by their boats.

Recommendation No. 8, which is autonomous, was adopted at the same time as the Hours of Work (Fishing) Recommendation, 1920 (No. 7).³

See: [Recommendation No. 8](#)

2. 1962: ILC adopted Recommendation No. 116

Recommendation No. 116 provides that Member States should formulate and pursue national policies designed to promote, by methods appropriate to national conditions and practice and to conditions in each industry, the principle of the progressive reduction of normal hours of work. Where the duration of the normal working week exceeds forty-eight hours, immediate steps should be taken to bring it down to that level without any reduction in the wages of the workers; where normal weekly hours of work are either forty-eight or less, measures for the progressive reduction of hours of work to the forty-hour week should be taken. The

¹ ILO: *The Working and Social Conditions of Boatmen in Domestic and International Inland Navigation*, ([Report II](#), Inland Transport Committee), 1984, p. 43.

² While C.47 covers in principle inland navigation, no separate Convention dealing with this specific class of employment in accordance with Article 1 of C.47 was adopted. Inland navigation and transport was deemed to pose special problems distinct from industry in general (see [ILC, 24th Session, 1938, Report V \(Part II, Vol. II\)](#) and ILC, 24th Session, 1938, [Resolution 8](#)) and work towards a Convention was interrupted by the Second World War.

³ Recommendation No. 7 was revised by the Work in Fishing Recommendation, 2005 (No. 196), which in turn was replaced by the Work in Fishing Recommendation, 2007 (No. 199).

Recommendation applies to inland navigation as to other industries other than agriculture and the maritime sector.⁴

See: [Recommendation No. 116](#)

3. 1999: Governing Body classified Recommendation No. 8 as an instrument on which additional information was requested

In 1999, the Governing Body invited Member States to “communicate to the Office any additional information on the possible need to replace” Recommendation No. 8 and decided that its status would be re-examined in due course. At the conclusion of the Cartier Working Party’s work, Recommendation No. 8 was placed in the category of Recommendations for which the Governing Body had decided to “request additional information”.

The Cartier Working Party had recalled that the 1974 Office in-depth study of international labour standards considered Recommendation No. 8 to have been largely superseded by Recommendation No. 116, although its Part II, concerning agreements on cooperation between States riparian to international waterways, retained its importance.

See: [GB.276/LILS/WP/PRS/4](#), para III.16 (Office background paper, November 1999); [GB.276/10/2](#), para. 10 (discussion by the Working Party, November 1999); [GB.276/PV](#), p. VI/4 (decision of the Governing Body, November 1999); [GB.283/LILS/WP/PRS/1/2](#), para. 48 (Office background paper on follow-up to the recommendations of the Working Party, March 2002)

Analysis of Recommendation No. 8

The following table provides a provision-by-provision analysis of the substantive provisions of Recommendation No. 8, compared with the more recent up-to-date instruments on working time and particularly Recommendation No. 116, that covers all sectors including inland navigation.

ANALYSIS OF SUBSTANTIVE PROVISIONS OF RECOMMENDATION NO. 8	
Part I	<i>Objective:</i> After consultation with organisations of employers and the organisations of workers concerned, Member States should enact legislation limiting the hours of work of workers employed in inland navigation, “in the direction of” an eight hours' day or a forty-eight hours' week. Special provisions may be necessary to meet the “climatic and industrial conditions peculiar to inland navigation in each country”. <i>Comparison with other relevant instruments:</i> R.116 states that Member States should adopt national policies and appropriate means to promote and ensure the application of the principle of the progressive reduction of normal hours of work, without any reduction in the wages of the workers due to the reduced

⁴ ILO: *The Working and Social Conditions of Boatmen in Domestic and International Inland Navigation*, ([Report II](#), Inland Transport Committee), 1984, p. 43.

	hours of work, with a view to attaining the forty-hour week as a social standard. • <i>Current relevance:</i> Part I is encapsulated and extended by R.116, which calls for a further progressive reduction of hours of work. Para. 5 of R.116 does not provide for the exception contained in Part I of R.8.
Part II	• <i>Objective:</i> Member States whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting the hours of work of persons employed in inland navigation on such waterways, after consultation with the organisations of employers and workers concerned. • <i>Comparison with other relevant instruments:</i> No similar provision. • <i>Current relevance:</i> The promotion of cooperation between Member States in relation to navigation on waterways that cross their borders has current relevance. The technical meeting on decent and sustainable work in the inland waterways sector (November 2023) recommended that governments, employers' and workers' organizations should engage in effective social dialogue including at cross-border levels to advance decent work in the sector⁵ and collaborate on cross-border recognition of skills and harmonization of training and certification requirements.⁶
Part III	• <i>Objective:</i> National legislation and agreements between riparian countries should follow as far as possible the general lines of C.1, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned. • <i>Comparison with other relevant instruments:</i> C.1 limits the hours of work in industrial undertakings to forty-eight in the week, while R.116 calls for the progressive reduction of hours by stages with a view to attaining the standard of the forty-hour work week in almost all branches of economic activity. • <i>Current relevance:</i> Part III is substantively encapsulated and extended by R.116, which calls for a further progressive reduction of hours of work. Para. 5 of R.116 does not provide for the exception contained in Part I of R.8.
Part IV	• <i>Objective:</i> Member States should determine, after consultation with the organisations of employers and workers concerned, what is inland navigation as distinguished from maritime navigation and communicate its determination to the ILO. • <i>Comparison with other relevant instruments:</i> ○ Art. 1(1) of C.185 defines 'seafarer'. Under Article 1(2), in the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority of the State of nationality or permanent residence of such persons after consulting with the shipowners' and seafarers' organizations concerned. ○ Under Art. II.1(i) of the MLC, 2006, as amended, 'ship' means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply. Under Art. II.5, in the event of doubt as to whether

⁵ ILO: *Technical meeting on decent and sustainable work in the inland waterways sector: conclusions and recommendations* (TMIWS/2023/9, November 2023), para. 19(f).

⁶ TMIWS/2023/9, para. 19(i).

	the Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned. • <i>Current relevance:</i> Consistent with current practice in the maritime sector of differentiating inland and maritime navigation.
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The instrument in 2024

A. Policy context

The 2023 technical meeting on decent and sustainable work in the inland waterways sector concluded that the inland waterways sector plays an important role for the transport of passengers and goods and for the sustainable social and economic development of many countries. Inland water transport is an environmentally sustainable mode of transport and presents great development potential. Inland water transport workers are key workers and are essential for the safety and environmental sustainability of the sector, and therefore their conditions of work are important.⁷

Decent work challenges relate to education and training, occupational safety and health, working time, operational crewing levels, recruitment process and employment practices, wages and other forms of remuneration, and social security.⁸ The ability to attract and retain skilled workers, especially youth and women, is crucial for the sustainability of the sector. Decent working and living conditions, social infrastructure, improving skill sets, adoption of technology, elimination of all forms of discrimination, and adequate remuneration, along with skill recognition, work–life balance and social connectivity, are key to improve the attractiveness of the sector.⁹

B. International labour standards context

There are no other international labour standards concerning the specific regulation of working conditions of inland water transport workers. Such workers are, however, covered by international labour standards of general application, along with workers in other sectors that are not excluded, with the exception of Convention No. 1 which excludes inland water transport workers. Within its examination of the application of the MLC 2006, as amended, the CEACR has expressed concern with countries defining the exclusion beyond those contained in Article II(1)(i), concerning ships that navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, such that a significant proportion of seafarers are excluded from the protection of the Convention.¹⁰ The CEACR has requested information on the criteria used to define waters “closely adjacent to sheltered

⁷ ILO: *Technical meeting on the inland waterways sector* ([TMIWS/2023/9](#), November 2023), para. 1.

⁸ [TMIWS/2023/9](#), para. 4.

⁹ [TMIWS/2023/9](#), para. 8.

¹⁰ *Canada, direct request*, adopted in 2020.

waters” and the number of ships excluded from the application of the MLC, 2006 because of this definition.¹¹

Key considerations

In examining Recommendation No. 8 for the purpose of determining its status, the following considerations are particularly relevant:

- Recommendation No. 8 is the only ILO instrument regulating inland navigation specifically. On the other hand, a number of instruments in the body of international labour standards – certain of which will be reviewed by the SRM TWG in 2025 – concern working time and for the large part (the exception is Convention No. 1) do not exclude coverage of inland navigation.
- The Cartier Working Party noted that for a number of years, the instrument had been considered to have been largely superseded by Recommendation No. 116, that provides for progressive reductions in hours of work, including for inland water transport workers.
- Part II of Recommendation No. 8 recognizes and promotes international cooperation between Member States in which inland waterways cross borders. While there is no equivalent provision in the more recent working time instruments, the promotion of bilateral or regional agreements between ILO Member States on the working conditions of inland water transport workers remains a relevant objective.
- The significance of ensuring appropriate working hours for inland water transport workers is clear. A lack of enforcement of regulations on working hours can increase risks and the occurrence of accidents on board vessels.¹²
- In November 2023, a technical meeting on decent and sustainable work in the inland waterways sector recommended that governments, employers’ and workers’ organizations should adopt, review, implement and enforce national and transnational laws and regulations, with due regard to the specific characteristics of the sector, to ensure that fundamental principles and rights at work and ratified international labour Conventions protect and are effectively applied to all workers in the sector.¹³ The Office should promote the ratification of international labour Conventions and the effective implementation of the international labour standards and other ILO instruments relevant to the sector, including Recommendation No. 8.¹⁴

Possible action to be considered in relation to Recommendation No. 8

Recommendation No. 8 has been de facto replaced by the more protective Recommendation No. 116 which is one of the more recent international labour standards regulating working time. While the international regulation of working time of inland water transport workers is as

¹¹ United Kingdom, [direct request](#), adopted in 2023.

¹² ILO: *Living and working conditions in inland navigation in Europe*, [Working Paper No. 297](#), December 2013, p. 39.

¹³ ILO: *Technical meeting on the inland waterways sector* ([TMIWS/2023/9](#), November 2023), para. 19(a).

¹⁴ [TMIWS/2023/9](#), para. 20(a).

relevant now as it was when Recommendation No. 8 was adopted, a change in regulatory approach means that the more recent instruments of general application on working time apply to the sector, unlike Convention No. 1 which was adopted before Recommendation No. 8.

Following its review of Recommendation No. 8, the SRM TWG will tailor lessons learnt through the SRM TWG process to the specificities of this review.

Based on the preceding information, and ensuring consistency with past SRM TWG recommendations, **the Office proposes consideration of:**

- the classification of Recommendation No. 8 as an *instrument requiring further action to ensure its continued and future relevance*;
- the identification of *no regulatory gap in coverage* in relation to the international regulation of working time in inland navigation; and
- *practical and time-bound follow-up action* composed of the normative and non-normative measures set out below.

In this regard, the Office has taken particular account of the existence of the up-to-date Recommendation No. 116 on working time.

The SRM TWG will take decisions concerning the three elements within its mandate and make corresponding recommendations to the Governing Body concerning Recommendation No. 8.

1. STATUS OF INSTRUMENTS UNDER REVIEW:

The SRM TWG will consider whether, within its current legal status as an active instrument, Recommendation No. 8 should be classified as an *up-to-date* instrument, an *instrument requiring further action to ensure its continued and future relevance*, or an *outdated* instrument. In deciding the status of Recommendation No. 8, the SRM TWG will consider whether it is fit for purpose.

2. IDENTIFICATION OF GAPS IN COVERAGE:

In determining whether or not a regulatory gap in coverage exists in relation to working time in inland navigation, the SRM TWG should consider all relevant elements, including that the subject matter is regulated by an instrument currently considered to be up-to-date: Recommendation No. 116.

3. FOLLOW-UP ACTION AS APPROPRIATE:

Considering past practices of the SRM TWG and the specificities of the instruments under review, the SRM TWG will consider what follow-up action should be taken:

- If the SRM TWG considers that Recommendation No. 8 is an up-to-date instrument**, it could propose that the Office continues to provide guidance to Member States on promotion of the reduction of working hours for crews working on inland navigation vessels, in conjunction with the follow-up to be provided to the recommendations of the technical meeting on decent and sustainable work in the inland waterways sector.

- ii. **If the SRM TWG considers that Recommendation No. 8 has the status of an instrument requiring further action to ensure its continuing and future relevance,** it could recommend that the Office take necessary further actions that could include the development of guidelines on the promotion of cooperation between riparian Member States in relation to the working conditions of crews on inland navigation vessels, including in relation to working time; and the continued provision of guidance and technical support to Member States on the reduction of working hours for crews on inland navigation vessels, including by promoting cooperation between riparian Member States in this regard.
- iii. **If the SRM TWG considers that Recommendation No. 8 has the status of an outdated instrument,** it could decide to recommend that its withdrawal by the Conference is considered either:
 - (a) As soon as possible; or
 - (b) At a particular session of the Conference as it determines.